

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION**

---

ADAM P. FAUST, *et al.*,

*Plaintiffs,*

v.

THOMAS J. VILSACK, in his official  
capacity as Secretary of Agriculture, *et al.*,

*Defendants.*

---

)  
)  
)  
)  
)  
) Civil Action No. 21-cv-548-WCG  
)  
)  
)  
)  
)  
)  
)  
)

**DEFENDANTS' STATUS REPORT**

In accordance with the Court's August 23, 2021, Order, ECF No. 66, Defendants respectfully submit this status report.

1. In this action, Plaintiffs challenge Section 1005 of the American Rescue Plan Act of 2021. Because Plaintiffs are member of the classes certified by the District Court for the Northern District of Texas in *Miller v. Vilsack*, 4:21-cv-595 (N.D. Tex.), which similarly challenge the same statutory provision, Defendants moved for, and the Court granted, a stay of this action pending the outcome of the *Miller* litigation. *See* ECF No. 66.
2. On August 16, 2022, the President signed into law the Inflation Reduction Act of 2022. <https://www.congress.gov/117/bills/hr5376/BILLS-117hr5376enr.pdf>. Section 22008 of the Act expressly repeals Section 1005 of ARPA and thus moots this case.
3. That same day, Defendants filed a status report informing the Court of Section 1005's repeal. In the status report, Defendants proposed to file another status report proposing next steps in the case by September 6, 2022 if Plaintiffs did not dismiss their case as moot by August 29, 2022.

4. On August 29, 2022, in light of the repeal of Section 1005, the parties in the *Miller* action stipulated to dismissal of the action because “the constitutional challenge to Section 1005 is moot.” *See* Joint Stipulation of Dismissal, ECF No. 236, *Miller*, 4:21-cv-595 (attached as Ex. A). The *Miller* court subsequently terminated the case. *See* August 30, 2022 docket entry, *id.*
5. Counsel for the parties are discussing next steps in the case. If Plaintiffs do not voluntarily dismiss or stipulate to dismissal of the case by September 13, 2022, Defendants intend to move to dismiss this case as moot on that date.

Dated: September 6, 2022

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

LESLEY FARBY  
Assistant Branch Director  
Civil Division, Federal Programs Branch

/s/ Kyla M. Snow  
KYLA M. SNOW (Ohio Bar No. 96662)  
Trial Attorney  
United States Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street, NW  
Washington, D.C. 20005  
Tel: (202) 514-3259 / Fax: (202) 616-8460  
Kyla.snow@usdoj.gov

*Counsel for Defendants*